

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

SECOND APPEAL NO. 866 OF 2005

Chandrashekhar Shankar Shevade.... Petitioner

versus

Mohan Krishna Shevade & ors..... Respondent.

Shri Arun Palekar for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 16TH JULY, 2007

P.C.;

1. The second appeal is filed against the judgment and decree passed by the first appellate court dismissing the appeal of the original plaintiff whose suit was dismissed. The plaintiff claimed a right of way through the property of the defendant for fetching water from a well. The plaintiff had claimed a right of way by prescription. Both the courts have held that there is absolutely no documentary evidence placed on record indicating any right of way, which right would be usually reflected in revenue records.

2. Perused the judgment of the first appellate court. The same does not call for any interference in the second appeal. No substantial question of law emerges for consideration. Hence the second appeal is summarily dismissed.

